

JURISDICTION:
General Reference:

RHODE ISLAND
General Laws of Rhode Island

Required Use of Safety Belts¹:

Requirements:

I. When a motor vehicle is in operation, the driver and all passengers ≥13 years old shall wear safety belts.² §31-22-22(f) & (g) (¶1)
Secondary Enforcement. No motor vehicle may be stopped by a law enforcement officer for a violation of this requirement. §31-22-22(j) (¶1)
II. When a motor vehicle is in operation, all passengers between the ages of 6 through 12 years old shall wear safety belts. This provision only applies to vehicles that are required to be equipped with safety belts under Federal law. §31-22-22(n)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Civil Violation³: For a violation of either I or II above, there is a fine of **\$50**⁴. No record shall be maintained regarding a violation of the requirement in I above. §31-22-22(j) (¶1), 31-27-13(a) & 31-41.1-4(a)

Effect on Civil Liability:

A violation of this requirement is not considered as negligence and the failure to wear a safety belt cannot be admitted into evidence in the trial of any civil action. §31-22-22(g) (¶2)

Required Use of Child Safety Restraint Systems⁵:

Requirements:

I. A driver, when transporting a child <4 years old in a motor vehicle, shall secure such child in a Federally approved child passenger restraint system. §31-22-22(a) See III under Footnote No. 1.
II. A driver, when transporting a child <6 years old, shall transport

Required Use of Child Safety Restraint Systems:
(continued)

Requirements: (continued)

such child in the **back seat** of a motor vehicle. These children must be restrained in child restraint systems. However, children between the ages of 4 to 6 years old may instead be properly restrained in a safety belt and/or shoulder harness. This provisions does not apply if either (1) the vehicle is

¹I. Under separate provisions, safety belts shall be worn by all passengers riding in a child care vehicle. §31-22-11.6 This section does not provide a sanction for its violation. As such, a violation would be a misdemeanor under the general penalty provision of the vehicle code. The sanctions for such a misdemeanor are an imprisonment term of not more than **1 year** and/or a fine of not more than **\$500**. §31-27-13(a) & (b)
II. Under separate statutory provisions, a person, when operating either a jitney, bus, private bus, school bus or trackless trolley coach, shall wear a safety belt. §31-23-41 A person, who violates this requirement, commits a misdemeanor and is also subject to an imprisonment term of not more than **1 year** and/or a fine of not more than **\$500**. §§31-23-41 & 31-27-13(b)
III. Also, (1) a person, who is holding either an instructional permit or a "limited provisional license," must wear a safety belt when operating a motor vehicle and (2) any passengers riding with such a person must be restrained by either a safety belt or a child passenger restraint system. I.e., drivers and passengers must comply with the provisions of §31-22-22. §31-10-6

²**Exemptions.** This requirement does not apply in the following circumstances: (1) To persons riding in motor vehicles manufactured before July 1, 1966; (2) to persons who are unable to wear a safety belt for physical or medical reasons; (3) to persons riding in motor vehicles that are not required by Federal law to have safety belts; and, (4) to letter carriers of the U.S. Postal Service while performing official duties. §31-22-22(h)

³**EMS Special Assessment.** In addition to any fine, an offender must be assessed **\$1**. §31-27-18 Note: These funds are deposited into the general State fund and, therefore, do not appear to be obligated for EMS functions.

⁴This fine is per the fine schedule listed in §31-41.1-4(a). However, §31-22-22(j) (¶2) provides for only a fine of **\$30** for a violation of the requirement noted in I.

⁵Note: The exemptions listed in Footnote No. 2 do not apply to the provisions of the law related to child passenger protection.

RHODE ISLAND

not equipped with a back seat or (2) "all back seating positions are being utilized by other children." §31-22-22(b) (¶1) See III under Footnote No. 1.

Sanctions for Failure to Require the Use of Child Restraint Systems:

Civil Violation³: A person, who violates the requirement in either I or II above, is subject to a fine of **\$50**⁶. However, such a violation shall not be recorded on the person's driving record. §§31-22-22(c), 31-27-13(a) & 31-41.1-4(a)

Effect on Civil Liability:

A violation of these requirements shall not be considered as contributory or comparative negligence and such a violation is not admissible as evidence in the trial of any civil action. §31-22-22(b) (¶2)

Required Use of Motorcycle Protective Headgear:

Requirements:

- I. When operating a motorcycle, motor scooter or a motor driven cycle, a person <21 years old shall wear a State approved helmet. §31-10.1-4
- II. When operating a motorcycle, motor scooter or a motor driven cycle, any person (regardless of age), who has not been licensed for more than 1 year to operate such vehicles, shall wear a State approved helmet. §31-10.1-4
- III. A passenger (regardless of age) riding on a motorcycle, motor scooter or motor driven cycle must wear a State approved helmet. §31-10.1-6

Sanctions for Failure to Use:

Civil Violation³: For a violation of either I, II or III above, there is a fine of **\$50**.⁷ §§31-10.1-4, 31-27-13(a) & 31-41.1-4 Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Motorcycle Eye Protection Device:

Requirements:

When operating a motorcycle, motor scooter or a motor driven cycle, a person (regardless of age) shall wear a State approved eye protection device. §31-10.1-4

Required Use of Motorcycle Eye Protection Device: (continued)

⁶This fine is per the fine schedule listed in §31-41.1-4(a). However, §31-22-22(c) provides for a fine of **\$150** for a violation of the requirement noted in I and §31-22-22(d) provides for only a fine of **\$30** for a violation of the requirement noted in II.

⁷This fine is per the fine schedule listed in §31-41.1-4(a). However, §31-10.1-4 provides for only a fine of **\$35** for a violation of the requirements noted in I and II.

Sanctions for Failure to Use:

Civil Violation³: A fine of **\$50**.⁸ §31-10.1-4, 31-27-13(a) & 31-41.1-4(a)

Required Use of Bicycle Protective Headgear:

Requirements:

A person ≤15 years old shall wear a nationally approved helmet when riding a bicycle. §31-19-2.1(a) A parent or guardian of any child shall not authorize or knowingly permit such child or ward to violate this requirement. §31-19-2

Sanctions for Failure to Use:

A violation of this requirement must be adjudicated administratively. §31-19-1 Note: Neither the provisions of the administrative fine schedule law, §31-41.1-4(a), nor §31-19-1 provide for a sanction. Furthermore, under §31-27-13(a), such an offense would probably be considered a civil violation for which only a fine sanction can be imposed but again no specific fine sanction is given. It should be noted that, even though no penalty is provided for in §31-41.1-4(a), this law usually provides a \$50 fine sanction for most traffic law violations.

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured
Portion of Vehicle:

Requirements:

"No person shall operate an open motor truck or other similar vehicle while carrying or transporting any child under sixteen (16) years of age without securely fastening the child to prevent them from becoming loose or detached in any manner."⁹ §31-25-10(f)

Sanctions for a Violation:

Civil Violation: A fine of **\$50**.¹⁰ §§31-27-13(a) & 31-41.1-4(a)

Exemptions:

⁸This fine is per the fine schedule listed in §31-41.1-4(a). However, §31-10.1-4 provides for only a fine of **\$35** for a violation of this requirement.

⁹In addition, the safety belt usage law, because it covers all vehicle passengers, may indirectly establish such a prohibition.

¹⁰This fine is per the fine schedule listed in §31-41.1-4(a). However, §31-25-10(d) provides that for a violation of this section a person is subject to a fine of not more than **\$100** for a first offense and to a fine of not less than **\$100 nor more than \$500** for a subsequent offense.

RHODE ISLAND